

Saldivar, Christina

From: Saldivar, Christina
Sent: Monday, November 8, 2021 3:53 PM
To: kolar@mentorschools.org
Cc: Todd, Michael; Vargas, Yeyzy; crowe@mentorschools.org; porterw@mentorschools.org
Subject: U.S. EPA - Region 5 - Mentor Public Schools: AHERA Compliance Inspection [Response Requested]
Attachments: MentorPublicSchools_AHERANoticeofInspectionLetter_20211108.pdf

Importance: High

Tracking:	Recipient	Delivery	Read
	kolar@mentorschools.org		
	Todd, Michael	Delivered: 11/8/2021 3:54 PM	Read: 11/8/2021 4:10 PM
	Vargas, Yeyzy	Delivered: 11/8/2021 3:54 PM	
	crowe@mentorschools.org		
	porterw@mentorschools.org		



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

November 8, 2021

VIA ELECTRONIC MAIL

Mr. Rick Kolar
Building and Grounds Coordinator, AHERA Designated Person
Mentor Public Schools
6451 Center Street
Mentor, Ohio 44060
Email: kolar@mentorschools.org

Mr. Kolar:

The U.S. Environmental Protection Agency, Region 5 (EPA or we) is contacting Mentor Public Schools in response to a complaint received by our office alleging Mentor Public Schools may not be complying with the Asbestos-Containing Materials in Schools Rule under the Asbestos Hazard Emergency Response Act (AHERA) of the Toxics Substance Control Act (TSCA) at 15 United States Code (U.S.C.) Sections 2641-2656.

EPA will perform an inspection at Mentor Public Schools to determine its compliance with its asbestos management plan requirements under AHERA. The compliance inspection will be performed on November 16, 2021 at 10:00 AM Eastern Time at Mentor Public School's administrative office located at 6451 Center Street, Mentor, Ohio 44060. Please see the attached letter with additional information on the compliance inspection.

We would appreciate if you can confirm that you received this email and the attached letter by replying to this email.

Just so you have a “snapshot” of the compliance inspection, here is the general outline of the compliance inspection:

- Myself and two other EPA inspectors will be present during the compliance inspection. The two other EPA inspectors are Mr. Michael Todd and Ms. Yeyzy Vargas.
- Depending on how Mentor Public Schools organizes its asbestos management records, the compliance inspection may take 2-4 hours.
- Opening Conference – Presentation of EPA Inspector Credential. Please visit the following website on what is an EPA Inspector Credential: <https://www.epa.gov/compliance/what-epa-inspector-credential>
- EPA Inspection forms and discussion of Mentor Public Schools’ right to claim any information as confidential business information under the Toxics Substance Control Act (TSCA).
- Interview questions on Mentor Public Schools’ operation and compliance with the AHERA requirements.
- Asbestos Management Plan Review – Copy and collection of the asbestos management records and other reporting requirements for each school. I can provide you list of records that can be provided to EPA prior to the inspection to make the inspection run smoothly as possible.
- School Building Walkthrough – A walkthrough of Mentor Public Schools’ school building(s) with identified asbestos containing materials. If possible, please have an individual present during the compliance inspection who is familiar with the locations of each school building’s asbestos containing materials (e.g., custodial staff supervisor, building engineer, etc.)
- Closing Conference – Wrap up of compliance inspection and follow up if necessary.

If you have any immediate questions or concerns regarding this matter, please do not hesitate to contact me via phone or email. My contact information is in my signature block below. I’m generally available from 8:30 AM to 5:00 PM Central Time.

Thanks,

Christina

Christina Saldivar (she/her/them)

Case Enforcement Officer

TSCA Lead-Based Paint and Asbestos in Schools

Pesticides and Toxics Compliance Section

U.S. EPA | Region 5

77 West Jackson Blvd, Chicago, IL 60604

Mailcode: ECP-17J

Direct: 312-886-0755

Fax: 312-980-8744

Email: saldivar.christina@epa.gov



EPA – Lead-Based Paint Program:

<https://www.epa.gov/lead>

<https://espanol.epa.gov/plomo>

EPA – Asbestos Program:

<https://www.epa.gov/asbestos>

Report Environmental Violations:

<https://echo.epa.gov/report-environmental-violations>

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November 8, 2021

VIA ELECTRONIC MAIL

Mr. Rick Kolar
Building and Grounds Coordinator, AHERA Designated Person
Mentor Public Schools
6451 Center Street
Mentor, Ohio 44060
Email: kolar@mentorschools.org

Re: Asbestos-Containing Materials in Schools Rule - Asbestos Management Plan
Compliance Inspection Notice Letter

Dear Mr. Kolar:

The U.S. Environmental Protection Agency, Region 5 (EPA or we) is contacting Mentor Public Schools in response to a complaint received by our office alleging Mentor Public Schools may not be complying with the Asbestos-Containing Materials in Schools Rule under the Asbestos Hazard Emergency Response Act (AHERA) of the Toxics Substance Control Act (TSCA) at 15 United States Code (U.S.C.) Sections 2641-2656.

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The purpose of the Asbestos in Schools Rule is to ensure that school children and school employees are protected from the exposure of asbestos-containing building materials (ACBM) in school buildings. Under AHERA, Local Education Agencies (LEAs) are required to:

- perform an initial inspection in every school building the LEA owns or leases to determine whether ACBM is present with a state-accredited inspector, and re-inspect the identified ACBM identified every three-years;
- develop an asbestos management plan with an accredited management plan professional;
- designate and train a person to oversee asbestos-related activities within the LEA and ensure that the asbestos management plan is implemented;

- provide asbestos-awareness training to all maintenance and custodial staff;
- take the appropriate actions to control the release of asbestos fibers in accordance with the asbestos management plan;
- provide yearly notification to parents, school employees, and school employee organizations of the availability of the asbestos management plan; and,
- maintain and retain records of all asbestos-related activities in the management plan and make them available for inspection by representatives of EPA and the State, as well as the public; including teachers and parents.

On the date of the inspection, please have Mentor Public Schools' administrative office asbestos management plan and each schools' asbestos management plans available for EPA to review, copy and collect. If possible, please have a representative present during the inspection who is familiar with the locations of the friable and nonfriable asbestos-containing material in the Mentor Public School's school buildings.

Please be advised that the refusal to comply with this compliance inspection is a violation of Section 15 of TSCA, 15 U.S.C. § 2614, and may subject you to an enforcement action under Section 16 of TSCA, 15 U.S.C. § 2615.

If the scheduled compliance inspection date above is not feasible due to impacts related to the COVID-19 pandemic, please contact EPA immediately so the compliance inspection can be schedule at a different date and time.

If you have any questions concerning this inspection, please do not hesitate to call me at 312-886-0755 or email me at saldivar.christina@epa.gov

Sincerely,

Christina Saldivar
Enforcement Officer
Pesticides and Toxics Compliance Section

cc: Mr. Jason Crowe, crowe@mentorschools.org
Mr. William Porter, porterw@mentorschools.org